

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARY ENGEL,

Plaintiff,

No. CIV S-03-2403 MCE KJM

vs.

MICHAEL BARRY, et al.,

Defendants.

ORDER

Defendants' motion to compel mental examination and plaintiff's discovery motion are pending before the court. Upon review of the documents in support and opposition, having considered the arguments of counsel made at the hearing on October 26, 2005, upon review of the documents submitted for in camera review, and good cause appearing, THE COURT ORDERS AS FOLLOWS:

1. Defendants' motion to compel mental examination is granted. See Fed. R. Civ. P. 35(a); Turner v. Imperial Stores, 161 F.R.D. 89, 95 (S.D. Cal. 1995); cf. Compl. at 15: 8-15 (allegations of "psychological torture," "psychological injury" made in addition to request for emotional distress damages in prayer for relief).¹ Plaintiff shall submit to a

¹ As provided by defendants, plaintiff's medical records also indicate she has sought medical assistance for emotional problems both before and after the incident underlying the causes

1 psychiatric examination as noticed by defendants within thirty days from the date of this order.

2 2. Within seven days from the date of this order, defendants shall provide to
3 plaintiff, for copying and inspection, the documents submitted for in camera review. Documents
4 produced as provided by this order shall be used solely for purposes of this litigation. Addresses,
5 phone numbers, names and other information identifying complaining witnesses contained in
6 said documents shall be redacted prior to submission in connection with any public court filing.

7 DATED: November 21, 2005.

8
9 
10 UNITED STATES MAGISTRATE JUDGE
11
12

13 006
14 engel2.icr
15
16
17
18
19
20
21
22
23
24

25 _____
26 of action alleged in her complaint; in responses to discovery she has identified as compensable injuries in this action “several emotional distress” and “suicidal ideation.”